

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 30, 38, 41 and 42 were previously cancelled.

Claims 23 and 32 are presently amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 23-29, 31-37 and 39-40 (16 claims) are now pending in this application.

On page 2, of the detailed action, the Examiner has rejected claims 23-29, 31-37, 39 and 40 under 35 U.S.C. § 102(e) as being anticipated by Butler (USPN: 5,625,681). Claims 23 and 32 are independent claims. Applicant has amended claims 23 and 32 to clarify that the two telecommunication networks are connected via a connection point and that in switching a subscriber station from the first local exchange to the second local exchange the subscriber station is accessible virtually all of the time. Applicant has also corrected some typographical errors. Support for this amendment can be found on specification page 4, lines 6-18 and page 11, lines 3-24.

A method of switching a subscriber station from a first telecommunication network to a second telecommunication network “wherein the subscriber station is accessible virtually all of the time” is not disclosed, taught or suggested by Butler.

Further, claims 24-29, 31, and 40 depend either directly or indirectly from independent claim 23 (as amended) and claims 33-37 and 39 depend either directly or indirectly from independent claim 32 (as amended) and therefore, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(a) for those claims. Allowance of independent claim 23 (as amended) and dependent claims 24-29, 31 and 40 and independent claim 32 (as amended) and dependent claims 33-37 is respectfully requested.

On page 7 of the Office Action, the Examiner has rejected claims 30, 38, 41 and 42 under 35 U.S.C. § 103(a) as being unpatentable over Butler in view of McGary, et al (USPN: 4,774,316). In response, Applicant has cancelled claims 30, 38, 41 and 42.

On page 11, under the heading Response to Arguments, the Examiner states that the arguments raised by Applicant in the June 1, 2005 amendment are unsupported by the claim language. Applicant submits that the present amendment to claims 23 and 32 support the argument previously made that the subscriber station is accessible virtually all of the time during the switch from the first telecommunication network to the second telecommunication network and is support by the specification as cited above.

Applicant also notes that the Examiner again admits that the claims as amended are patentably distinct from “the primary reference”. Applicant believes that the primary reference is the Butler reference since that is the reference used in the §102 and §103 rejections described above.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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